

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

DAWN SPAULDING,

Plaintiff,

v.

Civil Action No. _____
Norfolk Circuit Court Case No. 22-10592

WALMART, INC.,

Defendant.

NOTICE OF REMOVAL

Walmart, Inc. (Walmart), by counsel, pursuant to 28 U.S.C. 1441 and 1446, hereby files this *Notice of Removal* on the following grounds:

1. Plaintiff filed a Complaint in the Circuit Court for the City of Norfolk on August 12, 2022, seeking one million dollars in compensatory damages against Walmart, Inc. The Complaint is attaches as Exhibit A. This is a personal injury action in which Plaintiff claims to have suffered injuries due to a fall at the Walmart store in Culpeper County, Virginia.
2. The Plaintiff served Walmart on August 25, 2022.
3. Walmart timely filed an Answer to the Complaint, an Objection to Venue and Motion to Transfer in the Circuit Court for the City of Norfolk on September 12, 2022, which is attached hereto as Exhibit B.
4. There have been no further proceedings in this action.
5. Walmart is an entity incorporated in Delaware.
6. Walmart's principal place of business is Bentonville, Arkansas.

7. The action involves a controversy between citizens of different states. There is complete diversity of citizenship.

8. The amount in controversy exceeds the jurisdictional limits of \$75,000.

9. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a). Walmart desires to remove this action to this Court.

10. Pursuant to 28 U.S.C. § 1446 (b), this Notice of Removal is being filed within thirty (30) days after Defendant was served with the Complaint, the pleading setting forth the claims upon which Plaintiff's action is based or within thirty (30) days of Defendant receiving the Complaint.

11. Pursuant to 28 U.S.C. § 1441(a), venue of this removal action is proper in the Eastern District of Virginia, Norfolk Division, because it is in the district and division embracing the place where the state court action is pending.

12. Promptly after the filing of this Notice of Removal, Defendant will give written notice of the removal to Plaintiff, the adverse party, and will file a copy of this Notice of Removal with the Circuit Court for Culpeper County, as required by 28 U.S.C. § 1446(d).

13. Walmart demands a trial by Jury and the Jury Demand is attached as Exhibit C.

WHEREFORE, Walmart, Inc., by counsel, respectfully requests that this action be removed from the Culpeper County Circuit Court to this Court.

By: /s



Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

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